

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition & Excise Department – Death of Sri Macha Narsaiah while in the custody of Prohibition & Excise Station, Mancherla on 18.10.1997 – Criminal Proceedings against the responsible Prohibition & Excise Officials – Charge sheet filed in the III Additional District Session Court, Asifabad – Accused convicted by the III Addl. Sessions Judge, Asifabad – Punishment of dismissal from service/withholding of 100% pension and entire gratuity permanently imposed – Convicted personnel filed Criminal Appeal - Trial Court orders set aside by the Hon'ble High Court of Andhra Pradesh – Releasing of Pensionary benefits – Orders – Issued.

REVENUE (VIG.V) DEPARTMENT

G.O. Rt. No. 361.

Dt.06.03.2012.

Read the following:-

- 1) Judgment of III Addl. Sessions Judge (FTC), Asifabad dt.06.07.2006 in Sessions Case No.376 of 2003.
- 2) G.O. Ms. No.1401, Revenue (Vig.V) Department, dt.02.12.2011.
- 3) G.O. Ms. No.1402, Revenue (Vig.V) Department, dt.02.12.2011.
- 4) G.O. Ms. No.1403, Revenue (Vig.V) Department, dt.02.12.2011.
- 5) Hon'ble High Court of A.P., Judgment dt.23.12.2010 in Criminal Appeal No.884 of 2006.
- 6) Commissioner of Prohibition & Excise Lr.Cr.No.11394/1999/CPE/H.3-I, dt.23.5.2011.

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ORDER:

Consequent on the death of Sri Macha Narasaiah while in the custody of Prohibition & Excise Station, Mancherla on 18.10.1997, a case was registered and Charge Sheet was filed against against Sri Md. Sanaullah, Prohibition & Excise Inspector, Sri K. Sudhakar Reddy, Proh. & Excise, Sub-Inspector and Sri R. Pullaiah, Prohibition & Excise Head Constable along with nine others in the Court of III Addl. Sessions Judge, Asifabad.

2) In the reference 1st read above, the Hon'ble III Addl. Sessions Judge, (Fast Track Court), Asifabad has pronounced a judgment on 06.07.2006 in the Sessions Case No.376 of 2003 and held that the three personal mentioned in Para 1 above, among others are found guilty under section 304 Part-II read with 34 of Indian Penal Code and accordingly they were convicted under section 235 (2) of Cr.P.C. of the death of Sri Macha Narsaiah.

3) Basing on the conviction by the III Addl. Sessions Judge, Asifabad, eight in-service personnel were dismissed from service and one was removed from service.

4) In the references 2nd to 4th read above, orders were issued imposing a punishment of withholding of 100% pension and entire gratuity permanently against the retired officials viz., Sri Md. Sanaullah, Prohibition & Excise Inspector, Sri K. Sudhakar Reddy, Prohibition & Excise, Sub-Inspector and Sri R. Pullaiah, Prohibition & Excise Head Constable.

5) Aggrieved by the judgment pronounced by the III Addl. Sessions Judge, (Fast Track Court), Asifabad, all the convicted persons have approached the Hon'ble High Court of Andhra Pradesh by filing Criminal Appeal No.884 of 2006.

6) In the reference 5th read above, the Hon'ble High Court has pronounced judgment setting aside the conviction and sentence recorded against the appellants-accused by the III Addl. Sessions Judge (Fast Track Court), Asifabad in S.C. No.376 of 2003 vide judgment dt.06.07.2006 and acquitted the appellants.

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7) Consequent on receipt of the orders issued by the Hon'ble High Court in the reference 5th read above, the Deputy Commissioner of Prohibition & Excise, Warangal and Prohibition & Excise Superintendent, Adilabad have restored the services of the nine dismissed and one removed officials.

8) In the reference 6th read above, the Commissioner of Prohibition & Excise has requested the Government to issue necessary orders for releasing the pensionary benefits of the retired Prohibition & Excise Officials who were involved in the matter.

9) Government, after careful examination of the matter in detail, hereby decided to rescind the orders issued in the references 2nd to 4th read above and to release the pensionary benefits of the three retired viz., Sri Md. Sanaulah, Prohibition & Excise Inspector; Sri K. Sudhakar Reddy, Prohibition & Excise Sub-Inspector; and, Sri R. Pulliah, Prohibition & Excise Head Constable.

10) The Commissioner of Prohibition & Excise/Deputy Commissioner of Prohibition & Excise, Warangal/Prohibition & Excise Superintendent, Adilabad shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Prohibition & Excise, A.P., Hyderabad.

The individuals

Through:- The Commissioner of Prohibition & Excise, A.P., Hyderabad.

The Deputy Commissioner of Prohibition & Excise, Warangal.

The Prohibition & Excise Superintendent, Adilabad.

Copy to:-

The District Treasury Officer, Warangal.

The District Treasury Officer, Adilabad.

The Director of Treasuries & Accounts, A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

File.

// FORWARDED :: BY ORDER //

SECTION OFFICER